

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 05- _____
	:	
v.	:	DATE FILED: September 08, 2005
	:	
KEVIN ROBERTS,	:	VIOLATIONS:
a/k/a "Pookie,"	:	18 U.S.C. § 1029(b)(2) (conspiracy to
a/k/a "Otis Pratt"	:	commit credit card fraud - 1 count)
	:	18 U.S.C. § 1029(a)(4) (possession of
	:	device-making equipment with intent to
	:	defraud - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	18 U.S.C. §§ 982(a)(2)(B) and
	:	1029(c)(1)(C) (criminal forfeiture)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

From at least in or around March 2004, to on or about February 14, 2005, in the Eastern District of Pennsylvania and elsewhere, defendant

KEVIN ROBERTS,
 a/k/a "Pookie,"
 a/k/a "Otis Pratt"

conspired and agreed, together and with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly and with intent to defraud, possess device-making equipment and produce, use, and traffic in unauthorized and counterfeit credit cards, in violation of Title 18, United States Code, Section 1029(a)(1), (4).

MANNER AND MEANS

It was a part of the conspiracy that:

1. Defendant KEVIN ROBERTS manufactured counterfeit credit cards using credit card numbers that were stolen by Alan Smith, charged elsewhere, known to the United States Attorney, so that the counterfeit credit cards could be used to make fraudulent purchases at retail stores and restaurants.
2. Defendant KEVIN ROBERTS operated and assisted Duane Goings, charged elsewhere, in operating a counterfeit credit card manufacturing plant located in a building in the 600 block of North Frazier Street, Philadelphia. The equipment they used included computers, computer software, a credit card scanner, a credit card cloning or skimming device, an embossing machine, a printer, numerous counterfeit blank credit cards, and other supplies.
3. Defendant KEVIN ROBERTS provided Alan Smith with an electronic cloning or skimming device that was capable of copying and storing the data stored on the magnetic stripes of authorized credit cards, including the name of the cardholder, the account number, and the expiration date of the card.
4. Defendant KEVIN ROBERTS agreed to pay Alan Smith for copying credit card information through the electronic cloning or skimming device by providing Smith with fraudulent credit cards and identification.
5. Alan Smith used the electronic cloning or skimming device while working as a gas station attendant at various gas stations in the southern New Jersey and secretly ran over 100 customer credit cards through the device, thereby capturing the data from each card for later manufacture of counterfeit credit cards.

6. Defendant KEVIN ROBERTS used the credit card numbers provided by Alan Smith to manufacture counterfeit credit cards in fictitious names.

7. The counterfeit credit cards were then used by defendant KEVIN ROBERTS and Alan Smith and others to make and attempt to make fraudulent purchases worth more than \$120,000 in Pennsylvania, New Jersey, Georgia, and elsewhere.

OVERT ACTS

In furtherance of the conspiracy, defendant KEVIN ROBERTS, and others, known and unknown to the United States Attorney, committed the following overt acts in the Eastern District of Pennsylvania, and elsewhere:

1. In or around March 2004, defendant KEVIN ROBERTS approached Alan Smith and asked him if he was interested in helping defendant ROBERTS manufacture fraudulent credit cards.

2. In or around March 2004, after Alan Smith agreed to assist defendant KEVIN ROBERTS in the illegal manufacture of fraudulent credit cards, Smith agreed that he would use an electronic cloning or skimming device to get credit card numbers from other people without their knowledge, and agreed to accept fraudulently manufactured credit cards as payment.

3. From in or around March 2004, until in or around February 2005, Alan Smith used the cloning or skimming device provided by defendant KEVIN ROBERTS to steal more than 100 credit card numbers of patrons at various New Jersey gas stations.

4. Between in or around March 2004, and in or around February 2005, Alan Smith provided the credit card numbers he had stolen to defendant KEVIN ROBERTS and Duane Goings.

5. Between in or around March 2004 and in or around February 2005, defendant KEVIN ROBERTS paid Alan Smith by giving him fraudulently manufactured credit cards for Smith's use in exchange for the stolen credit card numbers which Smith had given to defendant ROBERTS.

6. Between in or around March 2004 and on or about February 14, 2005, using the stolen credit card numbers provided by Alan Smith, defendant KEVIN ROBERTS and Duane Goings produced counterfeit credit cards that were then used by defendant ROBERTS, Alan Smith, and others to make and attempt to make more than \$120,000 in purchases in Pennsylvania, New Jersey, Georgia, and elsewhere.

All in violation of Title 18, United States Code, Section 1029(b)(2).

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

From in or around March 2003 through on or about February 14, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KEVIN ROBERTS,
a/k/a “Pookie,”
a/k/a “Otis Pratt”**

knowingly and with intent to defraud possessed, and aided and abetted and willfully caused the possession of, device-making equipment, that is, a credit card scanner, an embossing machine, and an electronic cloning or skimming device designed to capture credit card numbers, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(4) and 2.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1029, set forth in this Information, defendant

**KEVIN ROBERTS,
a/k/a “Pookie,”
a/k/a “Otis Pratt”**

shall forfeit to the United States of America the following property:

- (a) Any personal property used or intended to be used to commit the offenses charged in this Information, including the specific property described in Counts One and Two; and
- (b) any property constituting, or derived from, proceeds obtained directly or indirectly as the result of such violations, including but not limited to the sum of \$120,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).

PATRICK L. MEEHAN
United States Attorney